



Paper No. 13

QUALCOMM INCORPORATED
5775 MOREHOUSE DRIVE
SAN DIEGO, CA 92121

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MAY 27 2003

OFFICE OF PETITIONS

ON PETITION

In re Application of
krishnamurthi et al.
Application No. 09/746,232
Filed: December 21, 2000
Attorney Docket No. QCPA483C

This decision concerns the May 19, 2003 petition under 37 CFR 1.137(b) to revive the above-referenced application.

The petition is **GRANTED**.

A final Office Action was mailed on May 8, 2002, setting forth a 3-month shortened statutory reply period. A proposed amendment, filed on October 15, 2002 (Certificate of Mailing date October 8, 2002) with a 2-month extension of time and the requisite fee, did not place the application in condition for allowance and was not entered as indicated in the November 14, 2002 Advisory Action. No further extension of time was obtained. The application became abandoned on October 9, 2002.¹

The instant petition encloses the \$1,300 petition fee, a Request for Continued Examination (RCE), the \$750 fee for filing the RCE, and a statement that the proposed amendment (filed on October 15, 2002 but not entered) is being used to satisfy the RCE "submission" requirement under 37 CFR 1.114.² The petition is thus granted. The application is hereby revived to maintain continuity with the RCE.

¹ Abandonment may result where applicant's reply is timely but is not fully responsive to the Office action; see MPEP section 711.02(a) (Rev. 1, Feb. 2003). A 2-month extension of time extended the reply period to 10/8/02.

² See MPEP 711.03(c)(III)(A)(2)(d) (Rev. 1, Feb. 2003) (When an RCE is the reply filed . . . to revive . . . an . . . application [abandoned for failing to reply to a final Office action], the submission accompanying the RCE . . . may be a previously filed amendment after final . . . The petition may be granted if the submission appears to be a *bona fide* attempt to provide a complete reply to the last Office action. After revival on the application, the examiner may, upon a more detailed review, determine that the reply is lacking in some respect . . . [and send a letter requesting correction of the error or omission]. If the error/omission is not corrected within the time period provided in the letter, including any extension, the application is again abandoned.)

The application is being forwarded to Technology Center 2600 for review of the amendment submitted with the RCE.

Telephone inquiries should be directed to the undersigned at (703) 308-0763.

A handwritten signature in black ink, appearing to read 'RC Tang', is positioned above the printed name.

RC Tang
Petitions Attorney
Office of Petitions